

**REPORT TO:** CABINET

**DATE:** 13 MARCH 2014

**TITLE:** IMPLEMENTING A POLICY FOR  
CONTROLLING ADVERTISING SIGNAGE

**PORTFOLIO HOLDERS:** COUNCILLOR EMMA TOAL  
COUNCILLOR PHIL WAITE

**LEAD OFFICER:** LYNN SEWARD, HEAD OF COMMUNITY  
WELLBEING (01279) 446119

**CONTRIBUTING OFFICER:** MICHAEL PITT, ENVIRONMENT AND  
LICENSING MANAGER (01279) 446114

**This is not a Key Decision**

**Call-in Procedures may apply**

**This decision will affect Toddbrook Ward in relation to licensing of portable advertising boards in The High, and no Wards specifically in other respects.**

**RECOMMENDED that:**

- A** The Council pursues an approach to unauthorised advertising in the highway using delegated powers under the Highways Act 1980, as proposed in paragraphs 5 to 9 of the report to February 2014 Cabinet, attached as Appendix 1.
- B** The Council, in respect of its practice of licensing portable advertisements on land that it owns in the Town Centre, adopts a policy of minimising avoidable street advertising to be implemented as proposed at Option C at paragraphs 15 to 16 of this report.

**REASON FOR DECISION**

- A** At its meeting in October 2013, the Scrutiny Committee recommended that the Council develop, in consultation with the County Council, an approach to removing unauthorised advertisements in the street scene using powers in highways legislation; and with regard to the practice of licensing portable advertising boards on Council-owned land in the Town Centre, that the Council adopt a policy of minimising avoidable street advertising. This decision would implement those recommendations.

## **BACKGROUND**

1. In October 2013, the Scrutiny Committee conducted a review of controls on advertising signage, which considered a number of issues in relation to such signage in the street scene. The Committee recommended using powers in highways legislation to remove unauthorised signs in the street scene.
2. Although established planning legislation is appropriate to deal with most formal signage issues, the approach recommended may be the most cost effective means of deterring much of the less formal signage that is placed in the highway and on Council property from time to time.
3. The Council currently licenses A-boards and similar portable advertisements on land that it owns in the Town Centre. Licensing appears to have improved the predictability of siting and reduced the number of such boards but there remains an objection on behalf of people with disabilities to the presence of those that remain, and an argument that suitable alternative means of advertising are available has been put forward.
4. To address these issues the Scrutiny Committee recommended that the Council adopt a policy of minimising avoidable street advertising.
5. Cabinet considered a report on this subject at its meeting of 20 February 2014, attached as Appendix 1, and deferred a decision in order to receive further advice on the detail of proposals to end licensing of A-boards on land that the Council owns in the Town Centre

## **PROPOSALS**

6. To implement the recommendation on A-boards in the Town Centre, it would be necessary to stop licensing them. As licensing of A-boards (as the Council has done) is discretionary, a policy of minimising avoidable street advertising would permit this without fettering the Council's discretion.
7. Three options have been identified for implementation of a policy to minimise avoidable street advertising as regards the licensing of A-boards on land that the Council owns in the Town Centre. These are set out as options A to C below.
8. Unlicensed A-boards (which would eventually be all A-boards in the highway) would be subject to removal under the process set out in the report attached as Appendix 1. Officers would alert the contractor to those A-boards with existing licenses to ensure that only unlicensed boards were removed.

### **OPTION A: LICENCES EXPIRE ONE BY ONE OVER A YEAR**

9. The Council would advise all existing holders of licences for A-boards of the adoption of revised policy with effect from 1 April 2014 and the likely effect on any application. Those enquiring about new licenses would be given similar information. It is anticipated that most businesses having been advised of the Council's position would not make applications.
10. Any applications for new licences received after 1 April 2014 would be unlikely to succeed.
11. Licenses granted before 1 April 2014 would remain in force until their expiry date.
12. By 31 March 2015 all existing licences would have expired.

### **OPTION B: ALL LICENCES EXPIRE 31 MARCH 2015, FULL FEES CHARGED**

13. The Council would advise all existing holders of licences for A-boards of the adoption of revised policy and that with effect from 1 April 2014 any new licence issued would expire on 31 March 2015. Those enquiring about new licenses would be given similar information.
14. Those wishing to apply would be charged the full approved fee which is intended to recover the cost of the licensing process. Subject to all other licensing considerations, licences would be issued which would expire on 31 March 2015.

### **OPTION C: ALL LICENCES EXPIRE 31 MARCH 2015, PRO-RATA FEES CHARGED**

15. The Council would advise all existing holders of licences for A-boards of the adoption of revised policy and that, with effect from 1 April 2014, any new licence issued would expire on 31 March 2015. Those enquiring about new licenses would be given similar information.
16. Those wishing to apply would be charged a portion of the approved fee pro-rata to the remaining portion of the year ending 31 March 2015. Subject to all other licensing considerations, licences would be issued which would expire on 31 March 2015.

### **DISCUSSION**

17. If Option A were implemented, the number of licenced A-boards would begin to diminish from 1 April 2014. Some traders would be permitted to have A boards while others would not.

18. If Option B were implemented A-boards would be licensed until 31 March 2015, after which no A-boards would be licensed. In principle the costs of licensing A-boards would be recovered. Some traders may be reluctant to pay the full licensing fee for only a part of the year.
19. If Option C were implemented all A boards would cease to be licensed after a year at the same time, and traders would pay fees in proportion to the length of the licence issued.

## **IMPLICATIONS**

### **Regeneration (includes Sustainability)**

Unauthorised advertisements can detract from the image of trading locations, and may represent an unfair advantage over those who responsibly advertise with proper authority.

Author: **Graeme Bloomer, Head of Regeneration**

### **Finance (Includes ICT)**

There would be minor impacts on income from Licensing fees for A boards. This should be mitigated by reduced costs of licensing procedures.

Author: **Simon Freeman, Head of Finance**

### **Housing**

Tenants, Leaseholders and Housing Management Services would welcome the proposal to remove unauthorised advertisements which would support existing work to reduce unauthorised agents boards.

Author: **Andrew Murray, Head of Housing**

### **Community Wellbeing (includes Equalities and Social Inclusion)**

The longstanding objection to unnecessary street clutter by representatives of the interests of disabled people is recognised: the Council must promote equality and have regard to the needs of disabled people in carrying out its functions.

Author: **Lynn Seward, Head of Community Wellbeing**

### **Governance (includes HR)**

There may be an increase in costs arising out of any appeals but these are likely to be minimised by having a clear policy in place, that does not fetter the Council's discretion to licence if appropriate, and ensuring that the procedure adopted is mindful of the Council's duty under the Equalities Act balanced against the needs of the business community in the area.

Author: **Brian Keane, Interim Head of Governance**

## **Background Papers**

Report to Scrutiny Committee, 22 October 2013 - [Written Report - Review of Controls on Advertising Signage.](#)

## **Glossary of terms/abbreviations used**

A-board . a portable advertising board.  
ECC . Essex County Council

## **Appendices**

**Appendix 1** . Report on Controls on Advertising Signage, submitted to Cabinet on 20 February 2014.